

REMARKS

In view of the above amendments and following remarks, reconsideration of the rejections contained in the Office Action of December 28, 2005 is respectfully requested.

It is initially noted that a number of minor editorial changes have been made to the specification so as to generally improve the form thereof. Such changes include addressing the objections raised by the Examiner at the top of page 2 of the Office Action.

At the middle of page 2, the Examiner rejected claims 12 and 15 as failing to comply with the written description requirement. This position by the Examiner is respectfully traversed.

First, the Examiner's position is that the specification fails to convey to one of ordinary skill in the art that at the time the application was filed, the inventors had possession of the claimed invention. In fact, claims 12 and 15 are both original claims from the parent application, now U.S. Patent 6,671,034. Accordingly, they are *prima facie* evidence that Applicants had possession of this invention as of their filing date. It is noted that claims are considered a part of the specification as originally filed. No issue of late claiming is thus presented.

Secondly, the Examiner raises the issue that the use of the term fast atomic beam is not described in the specification in such a way that one could use it. However, this objection does not relate to the written description requirement. This objection relates to the issue of enablement. The rejection has not been couched in terms of a lack of enablement of the claimed subject matter, and thus it is not clear as to the precise nature of the rejection that the Examiner is raising. It is noted that fast atomic beams are per se known; reference may be for example made to Applicants' own U.S. Patents 5,894,658 and 5,883,470, disclosing fast atomic beam sources and microfabrication methods. Reference can also be made to U.S. Patents 5,739,528, 5,708,267, 5,677,011, 5,640,009, 5,563,416, 5,519,213, 5,221,841, 5,216,241 and 5,055,672.

Lastly, the Examiner questions what atoms can be used. The substitute specification discusses, for example, at page 32, line 8, that a fast atomic beam may be produced from gases such as SF₆ and CHF₃. As noted at the top of page 34, gaseous Cl₂ is also suitable. Also note lines 8-9 on page 35.

Accordingly, it is respectfully submitted that there is no issue with respect to either the written description requirement or enablement present. Withdrawal of the rejection of claims 12 and 15 is, accordingly, respectfully requested.

The Examiner rejected claims 6, 10-15 and 29 as being unpatentable over Martin, U.S. Patent 5,928,815. Claims 6 and 29 were further rejected as being anticipated by Martin. However, each of the claims as now amended clearly patentably distinguishes over Martin.

Claims 6, 10 and 13 have each been amended to recite the use of a fast atomic beam in one or another of the recited steps. Claims 12, 15 and 29 have been canceled. Thus, all of the claims pending in the present application include a limitation with respect to the use of a fast atomic beam.

Martin is completely silent with respect to the use of a fast atomic beam.

As described in the present specification, a fast atom beam has excellent linearity of the etching beam, and no buildup of static charges. It is thus suitable for use in producing micro-patterns having a high aspect ratio and sub-wavelength dimensions. The use of the fast atom beam (FAB) is not disclosed in Martin, as noted. Indeed, this limitation is not addressed in the Examiner's rejection. For this reason, accordingly, all of the claims being examined clearly distinguish over Martin. Indication of such is respectfully requested.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

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